

## ENCLOSURE 2

### AMENDMENTS TO THE ASBESTOS AIRBORNE TOXIC CONTROL MEASURE

[Note: The originally proposed amendments to title 17, California Code of Regulations (CCR), section 93106 are shown in ~~single strike-out~~ to indicate deletions and single underline to indicate additions made to the 1990 Asbestos Airborne Toxic Control Measure. The modifications to the original proposal are shown in ~~double strike-out~~ to indicate deletions and double underline to indicate additions.

#### Modifications to the originally proposed amendments

*Amend section 93106, title 17, CCR, to read as follows:*

#### **Section 93106. Asbestos Airborne Toxic Control Measure Asbestos-Containing Serpentine for Surfacing Applications.**

~~(a) — Definitions.~~ [Note: The definitions were moved to subsection (i).]

~~(b) — Requirements for use or sale of asbestos-containing serpentine material.~~

- ~~(1) — No person shall use or apply serpentine material for surfacing in California unless the material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. A written receipt or other record documenting the asbestos content shall be retained by any person who uses or applies serpentine material, for a period of at least seven years from the date of use or application, and shall be provided to the Air Pollution Control Officer or his designee for review upon request.~~
- ~~(2) — Any person who sells, supplies, or offers for sale serpentine material in California shall provide with each sale or supply a written receipt containing the following statement: "Serpentine material may have an asbestos content greater than five percent (5.0%). It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to five percent (5.0%) asbestos. All tests for asbestos content must use California Air Resources Board Test Method 435, and a written record documenting the test results must be retained for at least seven years if the material is used for surfacing."~~

- ~~(3) No person shall sell, supply, or offer for sale serpentine material for surfacing in California unless the serpentine material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. Any person who sells, supplies, or offers for sale serpentine material that he or she represents, either orally or in writing, to be suitable for surfacing or to have an asbestos content that is five percent (5.0%) or less, shall provide to each purchaser or person receiving the serpentine material a written receipt which specifies the following information: the amount of serpentine material sold or supplied; the dates that the serpentine material was produced, sampled, tested, and supplied or sold; and the asbestos content of the serpentine material as measured by ARB Test Method 435. A copy of the receipt must, at all times, remain with the serpentine material during transit and surfacing.~~
- ~~(4) Any person who sells, supplies, or offers for sale serpentine material, shall retain for a period of at least seven years from the date of sale or supply, copies of all receipts and copies of any analytical test results from asbestos testing of the serpentine material. All receipts and test results shall be provided to the Air Pollution Control Officer or his designee for review upon request.~~

**(a) Effective Date.** No later than 120 days after the approval of this section by the Office of Administrative Law, each air pollution control and air quality management district must:

- (1) Implement and enforce the requirements of this section, or
- (2) Propose their own asbestos airborne toxic control measure as provided in Health and Safety Code section 39666(d).

**(b) Applicability.**

This section shall apply to any person who produces, sells, supplies, offers for sale or supply, uses, applies, or transports any of the following materials:

- (1) Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit (as defined in subsection (i)(9)); or
- (2) Aggregate material extracted from property that is **NOT** located in a geographic ultramafic rock unit (as defined in subsection (i)(9)) if the material has been:
- (A) Evaluated at the request of the Air Pollution Control Officer (APCO) and determined to be ultramafic rock or serpentine;

- (B) Tested at the request of the APCO and determined to have an asbestos content of 0.25 percent or greater, as determined using an approved asbestos bulk test method; or
- (C) Determined by the owner/operator of a facility to be ultramafic rock, or serpentine, or material that has an asbestos content of 0.25 percent or greater.
- (3) Any mixture of aggregate material that contains ten percent (10%) or more of any of the materials listed above in subsection (b)(1) or (b)(2).

**~~(b)(c) Prohibitions on the Use, or Sale, of Certain Materials for Surfacing and Supply of Restricted Aggregate Material.~~**

- ~~(1) The Executive Officer may require testing for the asbestos content of any material represented as being suitable or used for surfacing.~~
- ~~(2) No person shall use, apply, sell, supply, or offer for sale or supply any of the following materials for surfacing, unless one of the exemptions listed in subsections (f) or (b)(3) applies:~~
  - ~~(A) Serpentine or serpentine material,~~
  - ~~(B) Ultramafic rock, or~~
  - ~~(C) Any material that has been tested and found to have an asbestos content of 0.25 percent or more.~~
- ~~(3) Exemption for Ultramafic Rock that Has Been Tested: Ultramafic rock may be used, applied, offered for sale or supply, sold, or supplied for surfacing, if the rock has been tested using an approved asbestos bulk test method, and has been determined to contain less than 0.25 percent asbestos.~~
- ~~(4) Nonsurfacing Applications: All of the materials listed above in (b)(2) may be used, applied, offered for sale or supply, sold, or supplied for nonsurfacing applications. However, the noticing requirements specified in section (c)(3) must be complied with, as well as the recordkeeping and reporting requirements specified in subsection (d)(3).~~

Unless one of the exemptions in subsection (f) applies, no person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subdivision (i)(20)) for surfacing, unless it has been tested using an approved asbestos bulk test method and determined to have an asbestos content that is less than 0.25 percent.

**(c)(d) Noticing Requirements to Provide Notice with Restricted Material.**

- (1) ~~Noticing Requirements for Producers of Ultramafic Rock Restricted Material for Surfacing. Applications: A producer is any person that extracts and processes aggregate material from the ground. Any producer who sells, supplies, or offers for sale or supply ultramafic rock that the person represents, either orally or in writing, as being suitable for surfacing, restricted material for surfacing that has been tested using an approved asbestos bulk test method and determined to have an asbestos content that is less than 0.25 percent, must provide to the recipient of the ultramafic rock restricted material a written receipt that displays all of~~ contains the following information:
- (A) ~~The amount of ultramafic rock~~ restricted material that was sold or supplied;
  - (B) ~~The date that the restricted material was sold or supplied;~~
  - ~~(B)(C) The dates that the ultramafic rock restricted material was sampled and tested, or a statement verification that the material is exempt pursuant to under subsection (f)(6)(7); and~~
  - ~~(C) The asbestos content of the ultramafic rock, if tested; and~~
  - ~~(D) The dates that the ultramafic rock was supplied or sold.~~
  - (D) ~~A statement that the asbestos content of the restricted material is less than 0.25 percent.~~
- (2) ~~Noticing Requirements for Persons, – Other than Producers, – Who Sell Ultramafic Rock or Supply Restricted Material for Surfacing. Applications: Any person, other than a producer, who sells, supplies, or offers for sale or supply ultramafic rock that the person represents, either orally or in writing, as being suitable restricted material for surfacing, must provide to the recipient of the ultramafic rock material a written receipt that displays all of which specifies the following information:~~
- (A) ~~The amount of the ultramafic rock~~ restricted material that was sold or supplied;
  - (B) ~~The dates that the ultramafic rock~~ restricted material was sold or supplied; and
  - (C) ~~Verification~~ A statement that the asbestos content of the ultramafic rock restricted material is less than 0.25 percent.

~~(3) Noticing Requirements for Persons Who Sell Material for Nonsurfacing Applications. Any person who sells, supplies, or offers for sale or supply any of the following materials:~~

~~(A) Serpentine or serpentine material,~~

~~(B) Ultramafic rock that has not been tested,~~

~~(C) Ultramafic rock that has been tested and found to have an asbestos content of 0.25 percent or greater; or~~

~~(D) Any material that has been tested and found to have an asbestos content of 0.25 percent or greater,~~

~~(3) Requirements for the Sale or Supply of Restricted Materials for Non-Surfacing Applications: Any person who sells or supplies, or offers for sale or supply restricted material for non-surfacing applications must provide with each sale or supply a written receipt ~~that displays~~ containing the following statement:~~

**“WARNING!**  
**This material may contain asbestos.**

It is unlawful to use this material for surfacing or any application in which it would remain exposed and subject to possible disturbances.

Extreme care should be taken when handling this material to minimize the generation of dust.”

~~(4) All of the written notices and statements required by this section must be displayed in such a manner that they are readily observable and clearly legible.~~

#### **(d)(e) Recordkeeping and Reporting Requirements.**

~~(1) Recordkeeping Requirements for Persons Who Use or Apply Ultramafic Rock Restricted Material for Surfacing: Any person who uses or applies ultramafic rock ~~(other than serpentine)~~ restricted material for surfacing must retain any written receipt or other record verifying that the material is ~~suitable for surfacing~~ has an asbestos content of less than 0.25 percent for a minimum period of seven years from the date ~~the material is used or applied~~ of use or application. ~~In addition, the person must have a copy of any receipt or record at all times during the actual application of the ultramafic rock for surfacing.~~~~

- (2) ~~Recordkeeping Requirements for Persons ~~Who Transport or Apply Ultramafic Rock Restricted Material for Surfacing~~~~: Any person who transports ultramafic rock for surfacing restricted material must maintain a copy of ~~any all~~ receipts or records required by subsection ~~(e)(d)~~ with the ~~ultramafic rock material~~ at all times during ~~transport~~ transit and application.
- (3) ~~Recordkeeping Requirements for Persons ~~Who Sell or Supply Serpentine, Serpentine Material, or Ultramafic Rock Restricted Material~~~~: Any person who sells, supplies, or offers restricted material for sale or supply ~~serpentine, serpentine material or ultramafic rock~~ must retain copies of all receipts, ~~and any analytical test results from asbestos testing or the rock~~ or records required by subsection (d) for a minimum period of seven years from the date of sale or supply.
- (4) ~~Reporting Requirements for Persons Who Use, Sell, or Supply Restricted Material~~: Any person who uses restricted material for surfacing, sells, supplies, or offers restricted material for sale or supply must provide receipts, records, ~~or and~~ test results referred to in this section shall be ~~provided to the Executive Officer APCO~~ for review upon request.

~~(e) Test Methods~~ [Note: This subsection was moved to subsection (h).]

~~(e)(f)~~ **Exemptions.**

- (1) ~~Sand and Gravel Operations~~: The ~~provision~~ requirements of subdivisions subsections ~~(b)(2) (A), (b)(2)(B), (c), and (d), through (b)(5) and (e)~~ shall not apply to aggregate material extracted from a sand and gravel operations. A "sand and gravel operation" means any aggregate-producing facility operating in alluvial deposits.
- (2) ~~Roads Located at ~~Surface Mining Operations Quarries or Mines~~~~: The ~~provisions~~ requirements of subdivision ~~(b)(1)~~ subsection (c) shall not apply to roads located at serpentine quarries, asbestos mines, quarries or mines located in serpentine deposits that are located in a geographic ultramafic rock units, or asbestos mines, an ultramafic rock deposit, or a serpentine deposit, provided that the aggregate material was obtained on site from the quarry or mine property.
- (3) ~~Maintenance Operations on Existing Roads~~: The provisions of subdivision (b)(1) shall not apply to maintenance operations on any existing road surfaces, or to the construction of new roads in serpentine deposits, as long as no additional asbestos-containing serpentine material is applied to the road surface.

- (3) Maintenance Operations on Existing Roads: The requirements of subsections (c), (d), and (e) shall not apply to maintenance operations on any existing road surface, if no additional restricted material is applied to the road surface.
- (3)(4) Emergency Road Repairs: The ~~air pollution control officer~~ Executive Officer-APCO may issue a temporary exemption from the requirements of ~~subdivision (b)(1)~~ subsections (c), (d), and (e) to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency, and that the use of aggregate material other than ~~serpentine or ultramafic rock~~ restricted material is not feasible for this repair. The ~~air pollution control officer~~ Executive Officer-APCO shall specify the time during which such exemption shall be effective; ~~provided that however,~~ no exemption shall remain in effect longer than ~~six (6) months~~ 90 days.
- (4)(5) Bituminous Asphalt and Concrete Materials: The ~~provisions~~ requirements of ~~subdivision (b)(1), (c) and (d)~~ subsections (c), (d), and (e) shall not apply to ~~serpentine, serpentine material, or ultramafic rock~~ restricted material that is an integral part of the production of bituminous asphalt concrete, portland cement concrete, or construction of a bituminous surface or other similarly cemented materials; or construction of a asphalt or a portland cement concrete surface, as long as all of the restricted material is incorporated into or completely covered by the asphalt or portland cement concrete.
- (5)(6) Landfill Operations: The ~~use and application~~ provisions of ~~subdivision (b)(1)~~ requirements of subsection (c) shall not apply to landfill operations ~~other than, except for~~ the surfacing of public-access roads ~~dedicated to~~ used by vehicular traffic.
- (6) Geologic Assessment: The ~~Executive Officer may provide an exemption from subdivisions (b)(2)(B) and (c)(3) for aggregate composed of ultramafic rock other than serpentine provided a registered geologist has conducted an asbestos assessment of the property from which the aggregate was obtained and determined that asbestos is not likely to be found in any of the ultramafic rock located on the property. The owner/operator shall provide a written copy of the asbestos geologic assessment to the Executive Officer for his consideration when providing this exemption.~~
- (7) Geologic Evaluation: The APCO may provide an exemption from subsections (c), (d), and (e) for aggregate material extracted from within a geographic ultramafic rock unit if a registered geologist has conducted a geologic evaluation of the property from which the aggregate material is obtained and determined that serpentine or ultramafic rock is not likely to

be found on the property. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the APCO for his or her consideration.

(A) At a minimum, the geologic evaluation must include:

1. A general description of the property and the proposed use;
2. A description of the sampling procedures used;
3. A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;
4. A detailed site characterization which may include:
  - i. A physical site inspection;
  - ii. Offsite geologic evaluation of adjacent property;
  - iii. Evaluation of existing geological maps and studies of the site and surrounding area;
  - iv. Development of geological maps of the site and vicinity;
  - v. Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization;
  - vi. A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where extensive vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;
5. A classification of rock types found must conform to the nomenclature based on the International Union of Geological Science system;
6. An archive of collected rock samples for third party examination; and
7. A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.

(B) The APCO shall respond to a request for an exemption within 90 days of the receipt of the application.



(C) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(D) *Expiration of the Geologic Exemption:* If the owner/operator discovers any ultramafic rock or serpentine on the property after the exemption is granted, then:

1. The owner/operator must comply with the requirements of subsections (c), (d), and (e) immediately following the discovery; and
2. The owner/operator must report the discovery of ultramafic rock or serpentine to the APCO within 24 hours; and
3. The exemption under subsection (f)(7) shall expire and cease to be effective.

~~(7)(8) *Non-wearing surfaces: Limited Access Surfaces:* The Executive Officer APCO may provide an exemption from the provisions of subdivision (b) requirements of subsection (c) for the use of aggregate-restricted material on non-wearing limited access surfaces, provided that if the owner/operator can demonstrate that:~~

- ~~(A) There are no reasonably. No alternative aggregate materials are reasonably available; and~~
- ~~(B) The surface is not located in an area zoned or identified in a land use plan for civic, residential, recreational, or commercial use.~~
- ~~(C) The APCO shall respond to a request for an exemption within 90 days of the receipt of the application.~~
- ~~(D) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.~~

"Limited access surface" means any surface not subject to vehicular travel or pedestrian access that has an incline of twenty (20) percent or greater.

~~(8)(9) *Surfacing Applications in Remote Locations:*~~

- ~~(A) The Executive Officer APCO may provide an exemption from the provisions of subdivision (b) requirements of subsection (c) for the use of aggregate on unpaved provided that: if~~
- ~~(A) The owner/operator can demonstrate that:~~

1. The surface is located in a remote location (as defined in subsection (i)(19)); and
2. ~~There are no reasonably available~~ No alternative aggregate materials are reasonably available; and
3. All aggregate material used for surfacing has been tested according to an approved asbestos bulk test method and determined to have an asbestos content of one (1.0) percent or less; except that the APCO may allow the use of restricted material with an asbestos content up to five (5.0) percent if the owner/operator can demonstrate that the restricted material with an asbestos content of one (1.0) percent or less is not reasonably available.

(B) ~~In~~ Before providing this exemption, the ~~Executive Officer~~ APCO shall:

1. Consider the following information: county land use plans, the current use of the surrounding land, and the current and anticipated zoning designations;
2. Provide public notice and solicit comments for a 30-day period ~~before providing this exemption; and~~
3. Require that any surface exempted pursuant to this ~~subdivision-subsection~~ be posted with a permanent sign alerting the public to potential asbestos exposures; and
4. Require that any exemption shall be valid for no longer than three years; but if the owner/operator cannot demonstrate that all the criteria listed in subdivision (f)(9)(A) are met at the time of reapplication, the exemption shall not be renewed.

(C) The APCO may grant an exemption when the distance from the road or other surface to the nearest receptor is less than one mile if **ALL** of the following criteria are met:

1. The criteria listed above in subsections (f)(9)(A)2. and 3., and subsection (f)(9)(B) must be met:
2. Any receptor located within one mile from the road or other surface must **NOT** be any of the following:
  - i. A permanent resident (i.e., a person that resides at the receptor point for six months or more in a year), or

- ii. A permanent business (i.e., a business that operates at the receptor point for six month or more in a year), or
- iii. A school or daycare center;

3. The road or other surface must be located on private property;

4. The entrance points to the road or other surface from any public thoroughfare must be gated and posted with a sign as required in subsection (f)(9)(B)3.;

5. The applicant for the exemption must provide to the APCO an estimate of the average traffic volume on the road or other surface and the methodology used to make the estimate; and

6. Whenever the traffic volume exceeds or is anticipated to exceed 20 vehicle passes per day, the owner/operator must:

- i. Treat the road or other surface with a dust control method that is at least 70 percent effective; and
- ii. Maintain records of the application and type of the dust control method for a minimum period of seven years; and
- iii. Provide the records of the applications of the dust control method must to the APCO upon request.

(E) The APCO shall respond to any application for an exemption within 90 days of the receipt of the application.

(F) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(10) *Roads Located at Construction Sites:* The requirements of subsections (c), (d), and (e) shall not apply to restricted material used for the construction of temporary road surfaces located at on-going construction sites where vehicle traffic is limited to construction personnel and equipment. This exemption does not apply to the use of restricted material for temporary roads for public use.

(11) *Riprap:* The requirements of subsection (c) (d), and (e) shall not apply to restricted material used for riprap. "Riprap" means the material used to construct a loose assemblage of stones along a water course or shoreline to prevent erosion or provide stability.

**(g) Requirements to Perform a Geologic Evaluation or Asbestos Testing.**

~~(1)~~

The APCO or the Executive Officer of the ARB may require an owner/operator to perform:

- (1) A geologic evaluation for the presence of ultramafic rock or serpentine on any property from which aggregate material is extracted; or
- (2) ~~Testing~~ Testing for the asbestos content of any aggregate material ~~represented as being suitable for sold, supplied, offered for sale or supply, or used for surfacing.~~

**(e)(h) Applicable Test Methods.**

(1) *Ultramafic Rock:* The ultramafic rock composition of any material shall be determined using a standard analysis technique including, but not limited to, color index assessment, microscopic examination, petrographic analysis or rock thin sections, or chemical analysis techniques, such as X-ray fluorescence spectrometry or indirect coupled plasma analysis.

~~(4)(2)~~ *Asbestos Testing:* ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the Air Resources Board shall be used to determine compliance with this section. For the purposes of determining compliance with this section, references in ARB Test Method 435 to "serpentine aggregate" shall mean "aggregate material."

~~(5)(2)(3)~~ *Averaging of Test Results:* If ARB Test Method 435 or an alternative approved asbestos bulk test method ~~approved in writing by the Executive Officer of the Air Resources Board~~ has been used to perform two or more tests on any one volume of ~~serpentine aggregate~~ material, whether by the same or a different person, ~~the arithmetic average of these test results shall be used to determine the asbestos content of the serpentine the test result indicating the greater amount of asbestos shall be used to determine the presence of asbestos in the arithmetic average of these test results shall be used to determine the asbestos content of the aggregate material.~~

(4) *Sampling Frequency:* For the purposes of this section, the sampling frequency required for determining the asbestos content of any aggregate material shall be no less than one composite sample per 1000 tons of aggregate material processed, as specified in ARB Test Method 435, unless the APCO approves an alternative sampling frequency as follows:

(A) The APCO may approve an alternative sampling frequency after reviewing and verifying the authenticity of the following information, which shall be provided by the owner/operator of the quarry:

1. An established history of analytical test results demonstrating that no aggregate material sampled and tested in accordance with an approved asbestos bulk test method had an asbestos content that was 0.25 percent or greater:
2. The established history of analytical test results must include:
  - i. Test results from ten percent of the expected total yield over the life of the quarry, as stated in any permit issued pursuant to the California Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.; or
  - ii. Test results that cover at least two years of production of surfacing material; this production amount must be verified with sales receipts and testing results as required in subsection (e)(3):
3. A geologic evaluation of the quarry that has been conducted in accordance with the provisions in subsection (f)(7):
4. Any permits issued pursuant to the California Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.:
5. Sales receipts retained by the quarry pursuant to subsections (d) and (e)(3).

(B) The APCO shall not approve any alternate sampling frequency that requires less than one test per 100,000 tons of aggregate material processed for surfacing.

(C) If any of the aggregate material tested is determined to have an asbestos content of 0.25 percent or greater using an alternative sampling frequency approved by the APCO, the owner/operator must:

1. Resume the sampling frequency specified in ARB Test Method 435 immediately after receiving the test results; and

2. Report the detection of asbestos and provide a copy of the analytical test results to the APCO within 48 hours after receiving the test results.

[The following subsection was moved from subsection (a).]

**(i) Definitions.** For the purposes of this section, the following definitions shall apply:

- (1) "Aggregate" means a mixture of mineral fragments, sand, gravel, cobbles, rocks, stones, or similar minerals that may or may not be crushed or screened. "Aggregate" does not include elemental metals, gemstones, petroleum products, organic materials, or mineral ore to be processed offsite of the property from which it was extracted.
- (2) "Alluvial deposit" means any deposit of sediments laid down by running water including, but not limited to, streams and rivers.
- (3) "APCO" means the executive officer, air pollution control officer; or the designee of the executive officer or air pollution control officer of any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code.
- ~~(3)(4)~~ "Approved asbestos bulk test method" means ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the Air Resources Board.
- ~~(4)(5)~~ "ARB" means the California Air Resources Board.
- ~~(3)(5)(6)~~ "ARB Test Method 435" means the test method specified in title 17, California Code of Regulations, section 94147.
- ~~(4)(6)(7)~~ "Asbestos" means asbestiforms of the following ~~hydrated~~ minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.
- ~~(7)~~ "Asbestos-containing material" means any material that has an asbestos content of 0.25 percent or more as determined by an approved asbestos bulk test method.
- ~~(5)~~ "Asbestos-containing serpentine material" means serpentine material that has an asbestos content greater than five percent (5.0%) as determined by ARB Test Method 435.

- ~~(8) "Asbestos geologic assessment" means a geologic evaluation of a property conducted by a registered geologist to determine the presence of asbestos, asbestos-containing material, or ultramafic rock.~~
- ~~(8) "Decoration/landscaping" means the application or use of aggregate materials for aesthetic purposes.~~
- ~~(9) "District" means any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code.~~
- ~~(10) "Executive Officer" means the Executive Officer of the ARB, the executive officer or air pollution control officer of any district, or designee thereof.~~
- ~~(9) "Geographic ultramafic rock unit" means a geographic area that is designated as an ultramafic rock unit or ultrabasic rock unit, including the unit boundary line, on any of the Department of Conservation, Division of Mines and Geology maps, as referenced in Appendix A.~~
- ~~(10) "Geologic evaluation" means an evaluation of a property, as specified in subsection (f)(7), to determine the presence of various rock types, including ultramafic rock, serpentinite, or other metamorphic derivatives of ultramafic rock.~~
- ~~(11) "Non-wearing Limited access surface" means any non-road surface not subject to vehicular travel or pedestrian access that has an incline greater than twenty (20) percent, including, but not limited to, the use of riprap, road cuts, or soil stabilization.~~
- ~~(12) "Non-surfacing applications" means any application of aggregate material that will not remain a part of the uppermost layer, such as fill, base rock, or drain rock.~~
- ~~(12)(13) "Owner/operator" or "person" includes, but is not limited to:~~
- ~~(A) aAn individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation;~~
- ~~(B) "Owner/operator" or "person" also includes aAny city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law; or~~

- (C) "Owner/operator" or "person" also includes a project proponent and any of its contractors and or subcontractors.
- (13)(14) "Producer" means any person that extracts and processes aggregate material from the ground.
- (15) "Property" means any real property including, but not limited to, any contiguous parcel or parcels of land and anything attached to, or erected on it.
- (16) "Quarry" means a facility or operation that obtains stone from the earth by means of cutting, digging, excavating, or blasting.
- (6)(14)(17) "Receipt" means any written acknowledgement that a specified amount of ~~serpentine, serpentine material, ultramafic rock~~ restricted material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.
- (15)(18) "Registered geologist" means an individual that is currently licensed as a geologist with the State of California, Department of Consumer Affairs, Board of Geology and Geophysicists ~~as a geologist~~.
- (16)(19) "Remote location" means any location that is at least one (1.0) mile from the location of a receptor, ~~which~~. "Receptor" includes, but is not limited to, ~~any hospitals, schools, day care centers, work sites, businesses, residences, and permanent campgrounds.~~ The distance of ~~one (1.0) miles~~ to the nearest receptor is to be measured from the outermost limit of the area to be disturbed or road surface, whichever is ~~further~~ closer.
- (20) "Restricted material" means any of the following:
- (A) Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit (as defined in subsection (i)(9)); and
  - (B) Aggregate material extracted from property that is **NOT** located in a geographic ultramafic rock unit (as defined in subsection (i)(9)) if the material has been:
    - 1. Evaluated at the request of the Air Pollution Control Officer (APCO) and determined to be ultramafic rock or serpentine;
    - 2. Tested at the request of the APCO and determined to have an asbestos content of 0.25 percent or greater; or



3. Determined by the owner/operator of a facility to be ultramafic rock, serpentine, or aggregate material that has an asbestos content of 0.25 percent or greater.

(C) Any mixture of aggregate material that contains ten percent (10%) or more of any of the materials listed above in subsections (i)(20)(A) or (i)(20)(B), or any combination thereof, shall also be considered "restricted material."

(21) "Riprap" means material used to construct a loose assemblage of stones along a water course or shoreline to prevent erosion or provide stability.

(7)(17)(22) "Road surface" means the traveled way of a road and any shoulder which ~~may~~ extends up to ten (10) feet from the edge of the traveled way.

(8)(18)(23) "Sand and gravel operation" means any aggregate-producing facility operating in alluvial deposits.

(9)(19)(24) "Serpentine" means any form of the following hydrous magnesium silicate minerals: ~~including, but not limited to,~~ antigorite, lizardite, and chrysotile.

~~(10)(20) "Serpentine material" is means any material that contains at least ten percent (10%) serpentine as determined by a registered geologist. The registered geologist must document precisely how the serpentine content of the material in question was determined.~~

(21)(25) "Serpentinite" means a rock consisting almost entirely of serpentine, although small amounts of other minerals such as magnetite, chromite, talc, brucite, and tremolite-actinolite may also be present. "Serpentinite" is a metamorphic derivative of the ultramafic rocks, peridotite, pyroxenite, or dunite.

(11)(22)(26) "Surfacing" means the act of ~~covering and surface providing or creating a temporary or permanent covering for a surface used for pedestrians, vehicular, or non-vehicular travel; or decoration, motor vehicles, non-motor vehicles, decoration, landscaping, soil stabilization, or erosion control, including~~ Examples of surfaces include, but are not limited to, roads, road shoulders, streets, access roads, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds. For the purposes of this section, "surfacing" does not include creating a covering composed of asphalt concrete or portland cement concrete.

(27) "Ultrabasic rock" means ultramafic rock.

~~(23)(28)~~ "Ultramafic rock" means an igneous rock composed ~~chiefly~~ of 90 percent or greater of one or ~~more~~ a combination of the following iron/magnesium-

rich, dark-colored silicate minerals such as: olivine, pyroxene, or more rarely amphibole and olivine. For the purposes of this section, "ultramafic rock" includes, but is not limited to serpentinite, the following rock types: dunite, pyroxenite, and peridotite, and pyroxenite; and their metamorphic derivatives: talc rock, talc schist, and serpentinite.

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, and 41511, Health and Safety Code.

## APPENDIX A

### California Department of Conservation Division of Mines and Geology

#### AVAILABLE GEOLOGIC MAPS FOR CALIFORNIA

##### GEOLOGIC ATLASES OF CALIFORNIA Scale 1:250,000

###### GEOLOGIC ATLAS OF CALIFORNIA: ALTURAS

Compiled by Gay, T.E. and others, 1958

###### GEOLOGIC ATLAS OF CALIFORNIA: BAKERSFIELD

Compiled by Smith, A.R., 1964 (reprinted 1992)

###### GEOLOGIC ATLAS OF CALIFORNIA: DEATH VALLEY

Compiled by Streitz, R.L. and Stinson, M.C., 1974 (reprinted 1991)

###### GEOLOGIC ATLAS OF CALIFORNIA: FRESNO

Compiled by Matthews, R.A. and Burnett, J.L., 1965 (reprinted 1991)

###### GEOLOGIC ATLAS OF CALIFORNIA: LONG BEACH

Compiled by Jennings, C.W., 1962 (reprinted 1992)

###### GEOLOGIC ATLAS OF CALIFORNIA: LOS ANGELES

Compiled by Jennings, C.W. and Strand, R.G., 1969 (reprinted 1991)

###### GEOLOGIC ATLAS OF CALIFORNIA: MARIPOSA

Compiled by Strand, R.G., 1967 (reprinted 1991)

###### GEOLOGIC ATLAS OF CALIFORNIA: NEEDLES

Compiled by Bishop, C.C., 1963 (reprinted 1992)

###### GEOLOGIC ATLAS OF CALIFORNIA: REDDING

Compiled by Strand, R.G., 1962

###### GEOLOGIC ATLAS OF CALIFORNIA: SALTON SEA

Compiled by Jennings, C.W., 1967 (reprinted 1992)

###### GEOLOGIC ATLAS OF CALIFORNIA: SAN LUIS OBISPO

Compiled by Jennings, C.W., 1958 (reprinted 1992)

###### GEOLOGIC ATLAS OF CALIFORNIA: SAN DIEGO - EL CENTRO

Compiled by Strand, R.G., 1962 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA ANA  
Compiled by Rogers, T.H., (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA CRUZ  
Compiled by Jennings, C.W. and Strand, R.G., 1958 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA MARIA  
Compiled by Jennings, C.W., 1959 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: UKIAH  
Compiled by Jennings, C.W. and Strand, R.G., 1960 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: WALKER LAKE  
Compiled by Koenig, J.B., 1963 (reprinted 1992)

### **REGIONAL GEOLOGIC MAP SERIES Scale 1:250,000**

GEOLOGIC MAP OF THE SACRAMENTO QUADRANGLE  
(set of four sheets)  
Compiled by Wagner, D.L. and others, 1981

GEOLOGIC MAP OF THE SANTA ROSA QUADRANGLE  
(set of five sheets)  
Compiled by Wagner and D.L., Bortugno, E.J. (reprinted 1999)

GEOLOGIC MAP OF THE SAN BERNARDINO QUADRANGLE  
(set of five sheets)  
Compiled by Bortugno, E.J., and Spittler, T.E. (reprinted 1998)

GEOLOGIC MAP OF THE WEED QUADRANGLE  
(set of four sheets)  
By Wagner, D.L. and Saucedo, G.J., 1987

GEOLOGIC MAP OF THE SAN FRANCISCO-SAN JOSE QUADRANGLE  
(set of five sheets)  
By Wagner, D.L., Bortugno, E.J. and McJunkin, R.D., 1990  
Color-coded faults

### **LOCAL GEOLOGIC MAPS**

AREAS MORE LIKELY TO CONTAIN NATURALLY-OCCURRING ASBESTOS  
IN WESTERN EL DORADO COUNTY, CALIFORNIA  
By Ron Churchill, March 2000  
Scale 1:100,000

SERPENTINITE SURVEY OF LAKE COUNTY, CALIFORNIA – MAP A.  
ULTRAMAFIC, ULTRABASIC, AND SERPENTINE ROCK AND SOILS OF LAKE  
COUNTY

Adopted: March 2, 1992

Scale: 1:100,000